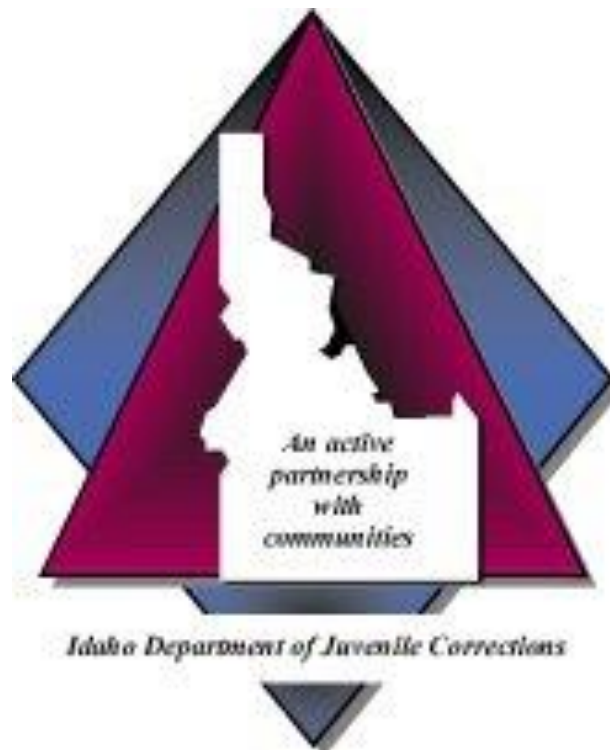


STATE OF IDAHO
POLICY AND PROCEDURES MANUAL
For
Compliance Monitoring



Idaho Department of Juvenile Corrections
2020

Compliance Monitoring Policy and Procedures Manual

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COMPLIANCE MONITORING POLICY AND PROCEDURES

INTRODUCTION

In December 2018, the Juvenile Justice Reform Act (JJRA) of 2018 was signed in to law, reauthorizing and substantially amending the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (JJDP Act). The JJDP Act is based on a broad consensus that children, youth, and families involved with the juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization. The changes under the JJRA reflect much of the knowledge that has been gained through research and science over the past decade and strengthens the Act's core protections for youth in the juvenile justice system.

The JJDP Act has four Core Requirements (listed as amended by the JJRA):

- **Deinstitutionalization of Status Offenders (DSO).** A status offender is a juvenile charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. The most common examples of status offenses are chronic or persistent truancy, running away, violating curfew laws, or possessing tobacco. This JJDP Act requirement focuses on alternatives to placing juveniles into detention facilities for status offenses.
- **Removal of juveniles from adult jails and lockups (Jail Removal).** This requirement focuses on removing juveniles from adult jails and detention facilities. Under the JJDP Act, youth may not be detained in adult jails and lock-ups except for limited times before or after a court hearing (6 hours), in rural areas (24 hours plus weekends and holidays), or in unsafe travel conditions.
- **Separation of juveniles from adults in institutions (Separation).** This requirement ensures that accused and adjudicated juvenile delinquents, status offenders, and non-offending juveniles are not detained or confined in any institution where they may have contact with adult inmates.
- **Racial and Ethnic Disparities.** This requirement focuses on helping states address and eliminate racial and ethnic disparities within the juvenile justice system. Under the JJDP Act, states are required to assess and address racial and ethnic disparities at key points in the juvenile justice system – from arrest to detention to confinement.

For more detail on these protections, refer to OJJDP's Compliance Monitoring web site, <https://ojjdp.ojp.gov/about/core-requirements>.

This Policy and Procedure Manual will focus on the plan for monitoring compliance with the first three requirements of the JJDP Act. The fourth core protection (Racial and Ethnic Disparities) will be addressed separately.

1.0 POLICY AND PROCEDURES

Date Issued: November 2009
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Policy Overview

Section 223(a)(14) of the 2018 JJRA requires that participating states "...provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that the core requirements are met..."

The Compliance Monitoring Plan describes how Idaho meets each of the following eight elements of an effective Compliance Monitoring system. These elements serve as titles for the policies in this manual:

- Policy and Procedures
- Monitoring Authority
- Violation Procedures
- Definition of Terms
- Identification of the Monitoring Universe
- Classification of the Monitoring Universe
- Inspection of Facilities
- Data Collection and Verification

Procedures

Review and Update

The Policy and Procedures Manual for Compliance Monitoring should be reviewed each year by the Compliance Monitor and the Juvenile Justice Specialist, and updated as needed. The manual should be reviewed after the issuance of any revised regulations or guidelines by OJJDP.

Manual Location

The electronic file is titled "Compliance Monitoring Manual" and saved in a folder titled "Compliance Monitoring Manual" within the IDJC Data Center. The Compliance Monitor has the responsibility to insure that all copies are the latest revision.

2.0 MONITORING AUTHORITY

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Policy Overview

As the Designated State Agency (DSA) implementing the JJDP Act Formula Grants Program, the Idaho Department of Juvenile Corrections (IDJC), Community Operations and Programs Services, Planning & Compliance Unit is responsible for monitoring compliance with the core protections of the JJDP Act. Under the supervision of the Juvenile Justice Specialist, a Compliance Monitor position exists to implement this monitoring responsibility.

OJJDP requires that the state document and describe the authority under which the DSA enters all facilities in its monitoring universe to inspect and collect data.

Procedures

Idaho Code Section 20-504(15) provides IDJC with authority to apply for, receive and expend federal funds. Implicit in this section is the authority for IDJC to comply with funding guidelines. Idaho employs this authority to monitor adult facilities for compliance with the JJDP Act core requirements. The mechanism to enforce the authority is through the development and maintenance of relationships with facility administrators and professional associations including the Police Chief's and Sheriff's Associations.

In addition to the authority implied as the DSA, IDJC's authority for Compliance Monitoring is derived from the following sources:

Idaho Code 20-503.

DEPARTMENT OF JUVENILE CORRECTIONS CREATED — APPOINTMENT OF DIRECTOR — POWERS AND DUTIES OF DEPARTMENT.

(2) The department shall be under the control and supervision of a director, who shall be appointed by the governor, with the advice and consent of the senate. The director shall exercise all of the powers and duties necessary to carry out the proper administration of the department and may delegate duties to employees and officers of the department. The director shall have the authority to employ an attorney or attorneys to provide legal services to the department and such managers, assistants, clerical staff and other employees necessary to the proper functioning and administration of the department.

Idaho Code 20-504.

DUTIES OF THE DEPARTMENT OF JUVENILE CORRECTIONS.

(3) The department is responsible for all juvenile offenders committed to it by the courts of this state for confinement. The department shall also establish minimum standards for detention, care and certification of approved detention facilities based upon such standards.

(4) The department shall establish and administer all secure residential facilities including all state juvenile correctional centers.

Idaho Code 20-504A.

STATE JUVENILE CORRECTIONAL CENTERS — PURPOSES — POWERS AND DUTIES OF THE DEPARTMENT AND THE DIRECTOR.

(2) The department shall administer and provide general oversight of all state juvenile correctional centers and any other secure or non-secure facilities holding juvenile offenders committed to it as required by the juvenile corrections act.

IDAPA 05.01.02

RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS.

200. Inspection Provisions. The Idaho Department of Juvenile Corrections or its designee shall have the authority to visit and inspect all juvenile detention facilities to assess such facilities' compliance with these rules.

01. Annual Visits. Each juvenile detention center shall be subject to announced or unannounced visits by department representatives on at least an annual basis.

02. Review of Logs, Records, Policy and Procedure Manuals, Memorandums and Reports. All logs, records, policy and procedures manuals, memorandums, and incident and other reports shall be available for review excluding medical records, personnel records and personnel action reports. Idaho Department of Juvenile Corrections' representatives shall be allowed to observe and interview juvenile offenders and staff concerning any matter pertaining to these rules. Department representatives shall further have access to all parts of the detention center for the purpose of inspecting the physical plant.

Idaho Juvenile Justice Commission, Executive Order 2019-12:

2. The Commission shall perform the following functions:

d. Ensure compliance with the core protections of the JJDPa by jurisdictions with public authority in Idaho through education, technical assistance, monitoring and remedial actions for violations.

3.0 VIOLATION PROCEDURES

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Policy Overview

A compliance monitoring system shall be established to monitor secure facilities to ensure that those facilities follow the core protections of the JJDP Act and Formula Grant Regulations. This section outlines the administrative procedures which will be used to receive, investigate, and respond to reports of violations of the DSO, Jail Removal, and Separation core requirements.

Procedures

The Compliance Monitor is the primary agent to receive, investigate, and respond to alleged compliance violations throughout the state.

Process for violations discovered in data review and/or site visits

The process for violations discovered through data review and/or onsite visits includes the following items:

1. All alleged reports of compliance violations will be turned over to the Compliance Monitor.
2. Violations are noted in the site visit report (if applicable).
3. The Compliance Monitor and the facility administrator or their designee will discuss the nature of violations and possible remedies.
 - a. If the Compliance Monitor and facility administrator are able to resolve the issues immediately and the possibility of violations no longer exist, no further action will be taken, but the Compliance Monitor may schedule additional visits or periodic requests for information.
 - b. If the situation cannot be resolved by both parties the Compliance Monitor will proceed with steps 4 – 7.
4. A remedial action plan is developed and certified by the Compliance Monitor and Facility Administrator. Written verification of the plan is provided to the facility administrator and a copy placed in the facility file.
5. The Compliance Monitor will provide technical assistance as needed and follows up on the progress of the plan.
6. If the goals of action plans are not being met, the Compliance Monitor will continue to pursue additional actions, incentives and/or sanctions. Options available to the Compliance Monitor include:
 - a. Additional assistance to facility staff;
 - b. Funding for needed equipment or supplies;
 - c. Sanction current or future funding (grants or state funds);
 - d. Report issues to the liability insurance carrier for the jurisdiction;

- e. Report issues to Director and the Juvenile Justice Commission for further action.

Process for Investigating and Responding to Compliance Violations

The process to receive, investigate and respond to compliance violation reports includes the following items:

1. All reports of violations will be turned over to the Compliance Monitor. The report may be received through an independent source or from another agency.
2. If there is an alleged DSO, Jail Removal or Sight and Sound Violation, the Compliance Monitor will fully investigate the alleged violation.
 - a. The investigation will involve a review of the documentation at the facility to confirm that a violation actually occurred.
 - b. All violations will be discussed with the facility administrator or contact to explain why they were deemed to be violations.
3. The Compliance Monitor shall complete a Compliance Violation letter/email describing the violation.
 - A copy will be delivered to the facility administrator or designee.
 - A copy of the letter is placed in the individual facility's file.

The following information is included in the Compliance Violation Letter:

Agency In Violation:	Name of agency
Agency Address:	Agency address
Agency Administrator:	Sheriff, Chief, Director, Administrator or Contact
Date of Violation(s):	Date the violation(s) occurred
Violation Narrative:	Describe the violation. "On this date, juvenile was held securely from hour until hour for offense"
Reason for Violation:	Describe why it is a violation and what core requirement(s) was/were violated.
Investigation Date:	Date logs were reviewed.
Compliance Monitor:	Compliance Monitor name and phone number
Suggested Follow-Up:	Describe what follow-up action is required or requested. It may be a memo to all officers, a modification in handling juveniles, a reprimand, a need for the Compliance Monitor to provide technical assistance, etc.
Attachments:	Compliance Violation Letter (Copy to facility administrator or contact and copy for Facility File)

4. The Compliance Monitor will develop a remedial action plan in collaboration with the facility administrator.
5. Remedial Action Plans are submitted to the Juvenile Justice Specialist for approval.
6. The Compliance Monitor may perform follow-up onsite visits to facilities where compliance is a problem. The purpose of the onsite visits is:

- a. Develop and maintain positive relationships;
 - b. Review status of progress on action plan;
 - c. Review juvenile holding logs and records;
 - d. Provide technical assistance.
- 7. If the facility achieves compliance within the agreed upon timeline the Compliance Monitor will provide the facility administrator with written verification.
- 8. If the facility fails to achieve compliance within the agreed upon timeline, the Compliance Monitor will continue to pursue additional actions, incentives and/or sanctions. Options available to the Compliance Monitor include:
 - a. Additional assistance to facility staff;
 - b. Funding for equipment or supplies;
 - c. Sanction current or future funding (grants or state funds);
 - d. Report issues to the liability insurance carrier for the jurisdiction;
 - e. Report issues to Director and the Juvenile Justice Commission for further action.

See *Attachment A, pg. 26*, for a sample compliance violation letter.

4.0 DEFINITION OF TERMS

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Policy Overview

Idaho may have different definitions for juvenile and criminal justice terms than those provided in the JJDP Act, therefore, the state of Idaho will document and ensure that all state definitions that differ from federal definitions have been identified and will be addressed in the monitoring process. Specifically, if definitions used by the state of Idaho differ from federal definitions, the federal definitions will be used.

Applicable federal definitions are found in the JJDP Act, the Juvenile Justice Reform Act, the Consolidated Federal Regulations, and/or the Federal Register.

Procedures

1. The Compliance Monitor reviews Federal and State definitions annually as a component of the update of this manual.
2. The Compliance Monitor updates definitions as needed.
3. The Juvenile Justice Specialist reviews and approves changes.

See *Attachment B, pg. 27*, for a list of all applicable definitions.

5.0 IDENTIFICATION OF THE MONITORING UNIVERSE

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Policy Overview

IDJC identifies and maintains a comprehensive list of facilities which hold adult offenders and might hold juveniles pursuant to public authority and where a violation of a core requirement is possible. This list comprises the monitoring universe including jails, lockups, detention centers, juvenile correctional facilities, court holding facilities, group homes, foster homes, and any other secure or non-secure public and private facilities in which juveniles might be detained or placed. Depending on the scope of the jurisdiction and authority of the juvenile court, the list may need to include public or private mental health facilities, chemical dependency programs, and detoxification centers.

Procedures

It is the duty of the Compliance Monitor to identify and update all facilities in the monitoring universe.

Establishing and Updating the Master List

1. By January 31 of each calendar year, the Compliance Monitor will provide each District Council a list of their current known monitoring universe.
2. At the next scheduled council meeting, each District Council will identify any new facilities that may need to be included in the monitoring universe and confirms that the existing facilities are still in operation.
 - a. The District Council will return the updated list, or inform the Compliance Monitor the existing list is accurate, by March 1.
3. The Compliance Monitor will make any updates needed to the monitoring universe and remove any facilities no longer in operation.
4. If new facilities are identified in the monitoring universe the Compliance Monitor adds the facilities to the master list and includes those facilities for future monitoring.
 - a. New facilities will be visited by the Compliance Monitor at the earliest possible time to establish classification.

Facility Types

The following facility types will be included:

- Adult Jails/Lock-Ups
- Non-Secure Law Enforcement Facilities (including police substations)
- Adult State Correctional Centers/Prisons
- Juvenile Detention Centers

- Juvenile Correctional Centers
- Collocated Facilities
- State Police Barracks
- Public/Private Staff Secure Facilities
- Court Holding Facilities
- Airports with holding rooms
- Shopping Malls with holding rooms
- Stadiums/Sporting Complexes with holding areas
- Schools/Campuses with holding areas
- Adult/Juvenile Secure Mental Health Facilities
- Adult/Juvenile Secure Substance Abuse/Detoxification Facilities
- Juvenile Shelter Homes/Group Homes
- Tribal Law Enforcement

6.0 CLASSIFICATION OF THE MONITORING UNIVERSE

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Last Revision Date: February 2020

Policy Overview

Classification of all facilities in the monitoring universe is required in order to determine facility type (e.g. juvenile detention or correctional facility, adult correctional institution, jail, lockup, or any other institution where the core requirements are applicable). In addition, the classification process determines whether each facility is secure or non-secure, public or private, residential or non-residential, and whether the population is juveniles only, adults only or both juveniles and adults. This information is critical to determining the applicability of each core requirement to each facility.

The Compliance Monitor will continually classify and/or reclassify all facilities listed in the monitoring universe based on on-site inspections.

Federal definitions will be used to classify facilities.

Procedures

Organizing Monitoring Universe Information

A Compliance Monitoring Universe master document is compiled and maintained by the Compliance Monitor.

Facilities will be classified and certified in each of the three (3) areas below:

1. Secure or non-secure (Secure Facilities include construction features designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures.)
2. Residential or non-residential (A Residential area is an area used to confine individuals overnight, and may include sleeping, shower and toilet, and day room areas.)
3. Juvenile or adult (Is the facility used to detain or confine adult offenders, juvenile offenders, or both.)

The classification of facilities is an on-going process. Facility classification will be verified through on-site inspections to ensure the classification is true and accurate, thereby ensuring an effective system of monitoring jails, lockups, detention facilities and correctional facilities. See policy 7.0 Inspection of Facilities, pg. 14, for information on verifying the facility classification.

Any new facilities in the monitoring universe will be visited by the Compliance Monitor at the earliest possible time to establish classification. If the Compliance Monitor is unable to visit the facility within a week of notification of the new facility, the local District Liaison will conduct a visit within the week to establish classification. A certification for classification form can also be sent to the facility for them to self-report. See *Attachment C*, pg. 32 for a sample Classification Certification form.

Changes to the classification of existing facilities will be verified by the Compliance Monitor, and updated on the Compliance Monitoring Universe.

Individual Facility Files

A Facility File should be maintained by the Compliance Monitor for each secure facility in the Monitoring Universe. Files will be maintained electronically or via paper and may include facility information to help justify their classification, facility layout, holding log information, date of last inspection, and any correspondence with the facility.

7.0 INSPECTION OF FACILITIES

Date Issued: November 2009
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Last Revision Date: February 2020

Policy Overview

Inspection of facilities is required to confirm classification according to regulations and to verify that sight and sound separation is provided between juvenile and adult inmates. Such inspections are necessary to validate the protections required by the JJDP Act and to collect and determine whether data is maintained to show compliance with the core requirements.

One hundred percent (100%) of all secure facilities (adult, juvenile, and collocated) in the monitoring universe must be inspected by the Compliance Monitor every 3 years at minimum. Collocated facilities will be inspected annually. Non-secure facilities will be inspected periodically to ensure they are still classified as non-secure.

Procedures

Facility Inspection

There are four basic reasons to inspect facilities:

1. to develop and maintain positive relationships with facility staff;
2. to confirm the classification;
3. to assess the separation levels at all points in the facility; and
4. to determine if the record keeping system is sufficient to collect the necessary data to determine compliance.

During the on-site inspection, the Compliance Monitor will ask questions to confirm the categories of classification.

1. Is the facility a juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults?
2. Is the facility secure or non-secure (using the federal definition for a secure facility)?
3. Is the facility residential or non-residential (using the federal definition for a residential facility)?

The Compliance Monitor will tour the facility to confirm the information given and to verify if there are any secure or residential areas. The Compliance Monitor will walk throughout the facility and ask questions such as:

- Where do juveniles enter the facility?
- Who escorts them?
- Is there a non-secure booking area?
- Where are other non-secure areas?
- How are juveniles processed?
- When are adults in this area?
- Is time-phasing used?
- Are adult trustees used in or around the facility and if so for what?

In any instance where sight and sound separation may be an issue, the Compliance Monitor should ask someone from the facility to walk into an adjoining area to test for sight and sound. The Compliance Monitor should obtain policies and procedures on how the facility ensures sight and sound separation.

Data Collection

To determine whether sufficient data is maintained to show compliance with the core requirements, the following information should be collected on all juveniles held securely:

- Name or Identification Number
- Date of Birth
- Gender
- Race/Ethnicity
- Offense (most serious) for which the juvenile is being held
- Date and time placed IN a secure setting
- Date and time taken OUT of a secure setting
- Times in and out of a secure setting prior to a court appearance (if applicable)
- Times in and out of a secure setting after to a court appearance (if applicable)
- Arresting Officer's name
- Person/Agency released to
- Valid Court Order (VCO) documentation (if applicable)

Guidelines for Determining Facility Inspection

All facilities subject to inspection may be subject to data collection and data verification if juveniles are being held securely. All secure facilities will be inspected at least once every three years, with colocated facilities and juvenile detention facilities inspected once a year. Additional inspections may be conducted as the result of an emergent issue requiring verification.

The Compliance Monitor will schedule onsite visits directly with facility staff or through other staff such as District Liaisons. Unscheduled inspections may occur as needed.

Inspection Activities

1. Pre-Visit Activities (for scheduled inspections):
 - Schedule an appointment in advance with the contact and agency administrator to insure buy-in.
 - Explain what you will be doing and how long it may take.
 - Explain and discuss the reasons behind the Core Protections to establish common ground with the facility staff.
2. On-site Activities:
 - Discuss any concerns or issues the facility may have regarding juveniles.
 - Walk through the facility as if you were a juvenile taken into custody.
 - Review sight and sound separations, records and security levels.
 - If available, obtain a layout of the facility and a sample of the holding log.
 - If available, obtain copies of any applicable policies and procedures.
3. Exit Interview Activities:
 - Explain how you have classified the facility and the separation levels.
 - Fully explain the Core Protections as they pertain to the facility.

- Compliment the facility on measures in place to protect juveniles.
- Discuss any violations and develop remedial action plans if needed.
- Ask what their needs may be and offer training/technical assistance.
- Review your facility file to make sure you have all needed information.

Inspections of Facilities on Native American Reservations

The sovereign authority of Native American Tribes with regard to civil and criminal jurisdiction over acts committed on a reservation varies from state to state and, in some states, from tribe to tribe within a state. Where a Native American tribe exercises jurisdiction over juvenile offenders through an established tribal court and operates correctional institutions for juvenile and adult offenders and these activities are not subject to state law (i.e., the functions are performed under the sovereign authority of the tribal entity), the state cannot mandate tribal compliance with the core protections. Therefore, where the state has no authority to regulate or control the law enforcement activities of a sovereign Native American tribal reservation, facilities that are located on such reservations are not required to be included in the inspection cycle.

However, Native American tribes that receive Formula Grant funds as part of the Native American Pass-Through requirement of the JJDP Act must agree to attempt to comply with the Core Protections.

See *Attachment D, pg. 33*, for an example of a facility inspection form.

8.0 DATA COLLECTION AND VERIFICATION

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Policy Overview

Data collection and on-site data verification are necessary to determine whether facilities in the state are in compliance with the applicable protections of DSO, jail removal, and separation. Reporting periods for all three core protections must concur (i.e. the same months of data must be used for each of the core protections). The data collection period is the federal fiscal year, October 1 – September 30. Verification of data is to occur immediately after collection for use with the annual Compliance Monitoring Report due to OJJDP by February 28th of the following year.

The Compliance Monitor must verify self-reported data or data provided by another agency. Data verification may be completed through onsite review of records or through review of electronic records maintained by other agencies (i.e. Idaho Supreme Court).

Data should also be collected from facilities on race and ethnicity to inform and ensure the state's compliance with the DMC core requirement.

Procedures

Data Collection and Verification

Facility staff determine how records are kept in the facilities on juveniles held securely. The Compliance Monitor reviews and verifies records are accurate. Records for juveniles in secure holding may include:

- Name or ID number, Date of Birth, and Sex (in order to review a file if needed to verify compliance)
- Race and Ethnicity (to determine age and for Disproportionate Minority Contact reports)
- Most serious offense juvenile is being detained on (to determine compliance with DSO in the event a juvenile was picked up, for example, on both runaway and shoplifting charges)
- Date and time of admission (to determine compliance with Jail Removal)
- Date and time of release (to determine compliance with Jail Removal)
- Name and relationship of person or facility to whom juvenile was released
- Court times if applicable (to determine compliance with Jail Removal)
- Sight and Sound Separation information (may need to compare admission records for juveniles and adults to determine if times overlap)
- Valid Court Order information (to determine compliance with DSO)

Data Collection and Verification Process:

1. Compliance Monitor issues a request for data to all facilities within the monitoring universe classified as secure facilities by November 1

2. Facilities are to submit data by December 1. The Compliance Monitor may perform an on-site visit to any facility that has not submitted data.
3. Compliance Monitor reviews 100% of data by December 31
 - a. Compliance Monitor clarifies questions with facilities
 - i. Verify data
 - ii. Collect missing data
 - iii. Secure documentation
 - b. Compliance Monitor identifies and investigates potential violations
 - c. Compliance Monitor prepares annual report detailing violations
4. The Juvenile Justice Specialist reviews and validates 10% of data
 - a. Sample size increases to 20% if errors are noted
 - b. Sample size may increase to 100% if warranted
5. The COPS Administrator spot checks data for accuracy
 - a. Resolves questions and reviews documentation
 - b. Forwards final report to Director for approval

Data Sets by Type of Facility

The Compliance Monitor is responsible for collecting and verifying data on youth held in those facilities subject to inspections following OJJDP rules and regulations on data collection.

Juvenile Detention Centers

Data from juvenile detention centers will be collected at a minimum of every three months to monitor possible DSO violations.

Data sets required

1. Accused status offenders held for more than 24 hours (excluding weekends and holidays) prior to and/or immediately following an initial court appearance, excluding those held pursuant to a Valid Court Order, and out of state runaways held pursuant to the Interstate Compact.

The JJDP Act provides that status offenders, nonoffenders, and civil-type offenders not be detained or confined in secure detention or correctional facilities. There may be rare situations, however, where short-term secure custody of accused status offenders may be necessary. For example, detention in a juvenile facility for a brief period of time prior to formal juvenile court action for investigative purposes, for identification purposes, or for the purpose of allowing return to the juvenile's parents or guardian may be necessary. Detention for a brief period of time under juvenile court authority may also be necessary in order to arrange for appropriate shelter care placement. Therefore, OJJDP regulations allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours, exclusive of weekends and legal holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance. The weekend begins when juvenile court closes on Friday and reopens the following Monday.

Status offenders who fail to appear for court hearings remain status offenders; they cannot be upgraded to delinquent offenders for their failure to appear. Similarly, status

offenders who violate probation (by committing another status offense) remain status offenders.

2. Adjudicated status and non-offenders held for any length of time.

Any nonoffender sentenced to detention, or any status offender held without benefit of the Valid Court Order, are violations of DSO. (See below)

3. Status offenders held pursuant to a violation of a Valid Court Order.

These juveniles are not violations of the DSO core requirement if the VCO process was followed and documented.

VCO Exception: Summary and Verification of the Process.

The Valid Court Order (VCO) Exception applies only to juveniles who commit a status offense such as truancy, runaway, curfew, or tobacco violations. The valid court order provision may not be used for nonoffenders.

Process

A valid court order is given by a juvenile court judge to a juvenile who was brought before the court and made subject to the order, and who received, before the issuance of the order, the full due process rights guaranteed to the juvenile by the Constitution of the United States. After its issuance, the juvenile violates the valid court order. If the juvenile is taken into custody based on a warrant, the juvenile may be held in a juvenile detention facility or a nonsecure facility. The juvenile may not be held in an adult jail or lockup for any amount of time.

If the juvenile is taken into custody for violating a valid court order issued for committing a status offense,

- an appropriate public agency shall be promptly notified that such status offender is held in custody for violating such order;
- not later than 24 hours during which such status offender is so held, an authorized representative of such agency shall interview, in person, such status offender;
- not later than 48 hours during which such status officer is so held,
 - such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such status offender;
 - such court shall continue a hearing to determine whether there is reasonable cause to believe that such status offender violated such order, and the appropriate placement of such status offender pending disposition of the violation alleged; and
 - if such court determines the status offender should be placed in a secure detention facility for violating such order, the court shall issue a written order that identifies the valid court order that was violated; specifies the factual basis for determining there is reasonable cause to believe that the status offender has violated such order; includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility; and specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility. A plan for their release from detention must also be included.
 - The court may not issue a second or subsequent order unless the status

offender violates a valid court order after the date on which the court issues an order.

Documentation that all steps were satisfied will be provided

The state will verify 100% of all status offenders held securely because of violating a valid court order. All incidents that cannot be verified as following the VCO process will be reported as violations of the DSO.

Due Process

Idaho Code 20-516 and Idaho Juvenile Rule 6 cover all aspects of due process that are required.

Out-of-State Runaways

Out-of-state runaways securely held beyond 24 hours solely for the purpose of being returned to proper custody in another state in response to a want, warrant, or request from a jurisdiction in the other state or pursuant to a court order must be reported as violations of the deinstitutionalization of status offenders requirement. Juveniles held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements in total.

Juveniles Under Federal Authority

Status and non-offenders placed under Federal authority and pursuant to a written contract or agreement with a federal agency, need not be reported as violations of DSO. This includes those on a Federal Marshall hold and tribal youth being held pursuant to a contract with the tribe.

Adult Jails and Adult Lockups

Records of placement of a juvenile in secure custody vary by facility. Jails often maintain booking logs while police stations may use dispatch records or other mechanisms. The Compliance Monitor may review information on-site, or by other electronic methods and verify accuracy. Verification could include reviewing the arrest information, case file or court file on a sample of entries to determine if the time in and out of secure custody is correct and to determine if the most serious charge is listed. Additional sources of information may include child welfare and probation records.

The Compliance Monitor will retain pertinent records for reporting purposes and they will become part of the individual Facility File. If it is not feasible to collect documents then the Compliance Monitor will collect the information onsite and request the facility archive the logs for one year.

Data sets may include:

1. Accused status and non-offenders held securely for any period of time.
Adult jails and lockups cannot hold status offenders, nonoffenders, alien juveniles, or civil-type juvenile offenders in a secure manner at any time. These juveniles may be detained in a nonsecure area of an adult jail or lockup for processing while awaiting transportation to a nonsecure shelter care facility or a juvenile detention center or while waiting release to a parent or guardian.

Adult jails and lockups should keep records of every juvenile who enters the facility. For status offenders, nonoffenders, alien juveniles, and civil-type juvenile offenders, the records should indicate if the juvenile was held securely

or nonsecurely. If such a juvenile is held in a secure manner at any time, this hold would count as a violation of both DSO and Jail Removal. If held in a secure manner and not sight and sound separated from adult detainees while being held securely, the result would be a violation of DSO, Separation, and Jail Removal.

2. Adjudicated status and non-offenders held securely for any length of time (including VCO's). Adjudicated status and non-offenders held in a secure manner would count as a violation of both DSO and Jail Removal. If held in a secure manner and not sight and sound separated from adult detainees while being held securely, the result would be a violation of DSO, Separation, and Jail Removal.
3. Accused juvenile criminal-type offenders held for more than 6 hours. OJJDP regulations allow for a 6-hour "grace period" that permits the secure detention in an adult jail or lockup of those juveniles accused of committing criminal-type offenses (i.e., offenses that would be a criminal offense if committed by an adult) for the purposes of processing or release, while awaiting transfer to a juvenile facility, or during which period they make a court appearance. Any holding of juveniles should be limited to the absolute minimum time necessary to complete these purposes, not to exceed 6 hours. Such juveniles held over 6 hours are violations of the Jail Removal core requirement.

Once the juvenile has been placed in a secure custody status and the 6-hour period has begun, the facility cannot temporarily take the juvenile out of a secure custody status and begin the 6-hour time period again. Once the 6-hour clock starts it cannot be turned off until the juvenile is no longer detained or confined. For example, unless for the purposes of a court hearing, taking a juvenile out of a cell for a few hours and then putting him or her back in will not avoid a violation.

Any detention or confinement not related to processing/transfer/release or a court appearance is a violation of the Jail Removal core protection. Further, the juvenile cannot have sight or sound contact with adult inmates during the time the juvenile is in a secure custody status.

4. Adjudicated juvenile criminal-type offenders held for any period of time not related to a court appearance.
An example would be an adjudicated delinquent sentenced to an adult jail or lockup as a disposition. These are violations of the Jail Removal core requirement.
5. Separation violations.
Separation must be achieved in all secure areas of the facility. Accused or adjudicated delinquent offenders, status offenders, and nonoffenders cannot have contact with adult inmates, including inmate trustees. Contact is defined to include any physical or sustained sight or sound contact. Sight contact is defined as clear visual contact between adult inmates and juveniles within

close proximity to each other. Sound contact is defined as direct oral communication between adult inmates and juvenile offenders.

Sight and sound separation may be accomplished architecturally or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by juveniles and adults. Brief and inadvertent or accidental contacts between juvenile offenders in a secure custody status and adult inmates in secure nonresidential areas of the facility do not count as violations.

Where a secure booking area is all that is available, continuous visual supervision is provided throughout the booking process, and the juvenile remains in the booking area only long enough to be photographed and fingerprinted (consistent with state law and/or judicial rules), the juvenile is not considered to be in a secure detention status and separation would not apply during this time. Once the booking process has been completed, the juvenile must be separated immediately from adult inmates.

6. Juveniles held pursuant to public authority in a secure area of an adult jail or lockup as a disposition or as a means of correcting their behavior and in sight and sound contact with incarcerated adults.
7. Juveniles held pursuant to a transfer or direct filing to adult court. This information is collected but not reported to OJJDP as it is not a violation of Jail Removal. If criminal felony charges have been filed against a juvenile in a court exercising criminal jurisdiction, the juvenile can be detained in an adult jail or lockup, or juvenile facility. Note that waiver or transfer and the filing of criminal felony charges does not transform a juvenile into an adult. Therefore, such a juvenile can be detained (or confined after conviction) in a juvenile facility and commingled with juvenile offenders until that juvenile reaches the state's age of majority.

Rural Exception

OJJDP regulations provide a "rural" exception, allowing the temporary detention beyond the 6-hour limit of juveniles accused of delinquent offenses who are awaiting an initial court appearance with 48 hours (excluding weekends and holidays). It is important to note that the rural exception does not apply to status offenders. Status offenders may not be held for any length of time in an adult jail or lockup.

States must have received prior approval from OJJDP to use the Rural Exception. In a request to use the Rural Exception, states must document, in writing, that all of the following conditions are met in order for an accused juvenile criminal-type offender, awaiting an initial court appearance, to be detained in an adult jail or lockup under the Rural Exception:

- The geographic area having jurisdiction over the juvenile must be outside a metropolitan statistical area (i.e., qualify as a "rural" area) as defined by the Office of Management and Budget;

- A determination must be made that there is no existing acceptable alternative placement for the juvenile pursuant to criteria developed by the state and approved by OJJDP;
- The adult jail or lockup must have been certified by the state to provide for the sight and sound separation of juveniles and adult inmates;
- There is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles;

OJJDP strongly recommends that jails and lockups that incarcerate juveniles provide youth-specific admissions screening and continuous visual supervision of juveniles incarcerated pursuant to this exception.

If all of the above conditions are met, a juvenile awaiting an initial court appearance may be detained for the following time periods:

- Up to 48 hours (excluding weekends and holidays), or
- If the facility is located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation does not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed 48 hours) delay is excusable; or
- If the facility is located where conditions adverse to safety exist (e.g., severe, life-threatening weather conditions that do not allow for reasonably safe travel), the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

These extended time periods cannot be used after the initial court appearance. After the initial court appearance, the 6-hour exception applies and the juvenile could be held only for up to 6 hours after a court appearance.

The following facilities have been approved to use the Rural Exception:

Facility	Date Approved
Blaine County Sheriff's Office	Feb. 3, 2009

Adult Correctional Facilities

Holding status offenders or nonoffenders in an adult prison is an immediate violation of the JJDP Act.

In accordance with current OJJDP policy and proposed regulation, the state must assure that no juvenile offender is detained under public authority, for any amount of time, into a secure setting or secure section of an adult jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g., Shock Incarceration or Scared Straight). If this occurs, they are violations of the Sight and Sound and Separation core protections. This does not apply to juveniles under adult criminal court jurisdiction.

Other Facilities

Other facilities classified as secure, public or private, juvenile facilities will be subject to the same data collection sets as juvenile detention centers.

Other facilities classified as secure, public or private, that hold both juveniles and adults, will be subject to the same procedures and data sets as adult jails and lockups.

Non-Reporting Facilities

Facilities that refuse to provide the Compliance Monitor with records on juveniles held securely will be classified as non-reporting. The numbers of juveniles held and the number of violations will be “projected” according to the formulas in the OJJDP online reporting tool.

Annual Compliance Monitoring Report

In order to receive its full fiscal year allocation of Formula Grants program funds, a state must first demonstrate compliance with the DSO, jail removal, separation, and disproportionate minority contact core protections. Compliance with the first three core protections is demonstrated through data provided in the state’s annual Compliance Monitoring Report, of which all data must be analyzed and verified prior to submission. Compliance with disproportionate minority confinement is determined by information through evaluation of relative rate index data and other requirements noted in the Title II solicitation.

Eligibility for Formula Grant awards is determined prior to the Fiscal Year for which the award is being made based on data in the Compliance Monitoring report submitted. For example, in most cases, eligibility for FY 2020 Formula Grants was based on States’ 2019 Compliance Monitoring Reports.

Annual Report to the Governor and State Legislature

The JJDP Act requires the State Advisory Group in each state participating in the Formula Grants program to submit at least every two years a report and recommendations to the state’s Governor and legislature regarding the state’s compliance with the core protections. This report is an opportunity for the state agency and the State Advisory Group to make recommendations and report how the state is addressing the core protections.

The annual IDJC Legislative Update is published and provided to the Governor and Legislature by October 1. The Compliance Monitor provides the following information to the Juvenile Justice Specialist for this document:

1. Status of the state’s compliance determination
2. Actions or recommendations to ensure compliance
3. Emergent issues

The Juvenile Justice Specialist:

1. Reviews information from the Compliance Monitor
2. Drafts the Grants Section portion of the annual report
3. Submits report to Project Manager for formatting and publication

The Idaho Compliance Monitoring Report will be submitted to OJJDP by February 28 of each year unless an extension is requested and granted. The draft report will be reviewed and approved by the Juvenile Justice Specialist, COPS Administrator and Department Director prior to final submission to OJJDP.

Annual Plan for Compliance – 3-Year Plan and Updates

The Compliance Monitor will work with the JJ Specialist to write the state's plans for compliance with each of the first three core protections. These plans must address any pattern of violations and are included in the 3-Year Plan and annual updates due to OJJDP. The annual Formula Grant Application instructions will provide the format and necessary components of these plans. Refer to the previous year's plans and revise as needed.

Attachment A

**Idaho Department Of Juveniles Corrections
JJDP Act Compliance Violation Report Form**

Agency In Violation:	Name of agency
Agency Address:	Agency address
Agency Administrator:	Sheriff, Chief, Director, Administrator or Contact person
Date of Violation(s):	Date the violation(s) occurred
Violation Narrative:	Describe the violation "On this date, juvenile was held securely from <u>hour</u> until <u>hour</u> for <u>offense</u> "
Reason for Violation:	Describe why it is a violation and what core requirement(s) was/were violated
Investigation Date:	Date you either reviewed logs onsite or by mail
Compliance Monitor:	Name and phone number of compliance monitor who investigated
Suggested Follow Up:	Describe what follow up action is required or requested. It may be a memo to all officers, may be a modification in handling juveniles, may be a reprimand, and may be that the compliance monitor needs to provide technical assistance.
Date This Letter Sent:	Date you sent the compliance violation form

(Copy to Facility Administrator or contact and copy for Facility File)

DEFINITIONS

State Definitions

Adult: A person eighteen (18) years of age or older.

Commit: To transfer legal custody to the Idaho Department of Juvenile Corrections.

Community-Based Program: An in-home confinement program or a non-secure or staff secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state or by the county.

Court: Any district court within the state of Idaho, or magistrate's division thereof.

Department: The Idaho Department of Juvenile Corrections.

Detention: The temporary placement of juvenile offenders who require secure custody for their own or the community's protection in physically restricting facilities.

Director: The Director of the Idaho Department of Juvenile Corrections.

Diversion: The utilization of local community resources, churches, counseling for the juvenile offender and/or family, substance abuse counseling, informal probation, community service work, voluntary restitution, or any other available service or program as an alternative to the filing of a petition with the juvenile court.

Judge: A district judge or a magistrate.

Juvenile: A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any alleged act, omission or status.

Juvenile Correctional Center: Any state-operated residential facility or facility operated pursuant to a contract with the state that provides twenty-four (24) hour supervision and confinement for juvenile offenders committed to the custody of the department.

Juvenile Detention Center: A secure facility established pursuant to sections [20-517](#) and [20-518](#), Idaho Code, for the temporary placement of juvenile offenders who require secure confinement.

Juvenile Offender: A person under the age of eighteen (18) at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act.

Legal Custody: The relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile offender, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care.

Legal Guardian: A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender.

Secure Facility: Any architecturally secure residential facility that provides twenty-four (24) hour supervision and confinement for juvenile offenders committed to the custody of the department.

Staff Secure Facility: A non-architecturally secure residential facility with awake staff twenty-four (24) hours a day, seven (7) days a week for intensive supervision of juvenile offenders.

Federal/OJJDP Definitions

Adult Inmate:

(A) means an individual who—

- (i) has reached the age of full criminal responsibility under applicable State law; and
- (ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and

(B) does not include an individual who—

- (i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and
- (ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;

Chemical Agent: A spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas.

Collocated Facilities: Facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

Contact: The points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official.

Court Holding: A secure facility that is located near or in the same building as the Courthouse, and it:

- (a) must be used only for the individual appearing in court;
- (b) cannot be used as an overflow or as a secure juvenile holding area for the jail or police lockup;
- (c) may not be used for punishment;
- (d) is only operational during court hours; and
- (e) are strictly sight and sound separated from incarcerated adults or adult inmates.

Deinstitutionalization of Status Offenders (DSO): Status offenders may not be held in a secure detention or confinement. DSO violations can only occur in residential facilities which are defined as an area used to confine individuals overnight which has beds, showers and toilets (secure juvenile detention center). Status offenders that are being held non-securely until a parent or guardian can pick them up, or for transport, are excluded from JJDP core requirements. The Act and federal regulations limit exceptions to this requirement, including a provision that allows accused status offenders to be detained and securely held in a correctional facility for juveniles or a secure detention facility for juveniles for twenty-four (24) hours (excluding weekends and holidays) or more before an initial court appearance, following an initial court appearance or for investigative purposes. If a status offender is held beyond the twenty-four (24) hours, this constitutes a DSO violation. Exceptions also exist for Valid Court Order exceptions and juveniles held in accordance with the Interstate Compact on Juveniles.

Detained or Confined: To hold, keep, or restrain a person such that they are not free to leave, except that a juvenile held by law enforcement solely for the purpose of returning the juvenile to their parent or guardian or pending their transfer to the custody of a child welfare or social services agency is not detained or confined within the meaning of this definition. Transfers to court or secure juvenile detention centers are NOT included in the exception.

Isolation:

(A) Any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

(B) Does not include—

- (i) confinement during regularly scheduled sleeping hours;
- (ii) separation based on a treatment program approved by a licensed medical or mental health professional;
- (iii) confinement or separation that is requested by the youth; or
- (iv) the separation of the youth from a group in a non-locked setting for the limited purpose of calming;

Jail and Lockup Removal: A juvenile cannot be detained in any adult jail or lockup. Although not expressly provided in the prior regulation, OJJDP policy provided an exception to the jail and lockup removal requirement: an alleged delinquent could be detained, while separate from adults, for up to six hours for the purposes of identification, processing, and to arrange for release to parents or transfer to a juvenile facility (provided that the juvenile has no

sight or sound contact with incarcerated adults during the time the juvenile is in a secure custody status in the adult jail or lockup).

Jail or Lockup for Adults: A secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates.

Juvenile: Refers to any individual under the age of 18 or is still under the jurisdiction of the juvenile court.

Juvenile Delinquent: A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Non-Offender: A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

Non-Secure Custody: The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility:

- (a) The area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes;
- (b) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
- (c) The use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parent, or arranging transfer to an appropriate juvenile facility or to court;
- (d) In no event can the area be designed or intended to be used for residential purposes; and
- (e) The juvenile shall be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

Non-Secure Facility: Has no capability to hold anyone securely (there are no cells, locked rooms, cuffing benches, or secure perimeter fences). A Sheriff's office or Police Department that is non-secure is classified as a "non-secure" facility and not as an "Adult Jail or Lock-Up."

Residential Facility: An area used to confine individuals overnight, and may include sleeping, shower, and toilet, and a day room area. It must be open twenty-four (24) hours.

Restraints:

(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident (such term does not include a physical escort); and

(B) A drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

Rural: An area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

Secure: Residential facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

Secure Detention Facility: Any public or private residential facility which—

- (a) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and
- (b) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

Secure Correctional Facility: Any public or private residential facility which—

- (a) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and
- (b) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

Sight and Sound Separation: Juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have contact with adult persons incarcerated. The term “contact” is defined to include any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees.

Sight or Sound Contact: Any physical, clear visual, or verbal contact that is not brief and inadvertent.

Staff Secure Facility: Is where the physical restriction of movement or activity is provided solely through facility staff. These facilities are considered to be non-secure.

Status Offender: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Valid Court Order: A court order given by a juvenile court judge to a juvenile—

- (A) who was brought before the court and made subject to such order; and
- (B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

Attachment C

CLASSIFICATION CERTIFICATION

DATE: _____

NAME OF FACILITY: _____

ADDRESS: _____

PREPARED BY: _____ TITLE: _____

PHONE: _____ EMAIL: _____

Mark each item below as True (T) or False (F) to determine classification of the facility listed above. If this facility is secure, reporting data of juveniles held in this facility should be maintained.

- 1) _____ Within this facility there are no holding cells or locked rooms. (If True, skip to Question 3)
- 2) _____ Within this facility there are holding cells but they are not used to detain juveniles or adults for any reason (i.e. used for storage). Our agency has informal or formal policies that state this directive. (If False, Stop & classify Secure)
- 3) _____ There are no cuffing rings, cuffing benches or other stationary objects that officers use to cuff people to prevent them from leaving the building or room. (If False, Stop & classify Secure)
- 4) _____ There is an interview room which we may use for victim interviews, suspect interrogations, and/or temporary holding. (If False, Stop & classify Non-Secure)

_____ The interview room has no locks on the door and is not used as secure holding for any person our agency takes into custody. (If True, classify Non-Secure).

_____ The interview room has a lock on the door but no officer can lock it (i.e. they do not have the key). (If True, classify Non-Secure).

_____ The interview room has a lock on the door but the lock is only operational from the inside, therefore, the suspect or victim can lock themselves in but they cannot be locked in from the outside. (If True, classify Non-Secure).

☐ Included in our agency's written policies and procedures are directives that suspects will not be cuffed to stationary object within the facility.

Certification: This form must be signed by agency personnel with the authority to certify the accuracy of the information provided on this form. If any of the above information changes, contact the compliance monitor to review classification status.

Authorized Official, Printed Name

Signature

Date

Attachment D

COMPLIANCE MONITORING SITE VISIT/FACILITY INSPECTION REPORT

DATE: _____

NAME OF FACILITY: _____

ADDRESS: _____

NAME OF CONTACT: _____

FACILITY TYPE: ☐ SHERIFF ☐ JAIL ☐ POLICE ☐ JDC ☐ COURT HOLDING

☐ OTHER: _____

CLASSIFICATION: ☐ SECURE ☐ NON-SECURE ☐ BOTH

☐ RESIDENTIAL ☐ NON-RESIDENTIAL ☐ BOTH

☐ JUVENILES ONLY ☐ ADULTS ONLY ☐ BOTH

DETAILS:

LOCATION OF SECURE AREAS: _____

LOCATION OF NON-SECURE AREAS: _____

WHERE ARE DELINQUENTS HELD? _____

WHERE ARE STATUS OFFENDERS HELD? _____

HOW ARE RECORDS MAINTAINED? _____

SIGHT AND SOUND: ☐ NO SEPERATION ☐ SIGHT SEPARATION ☐ SOUND SEPAERATION

☐ DO NOT HOLD JUVENILES

WHAT NEEDS DOES THE FACILITY HAVE? _____

CHECKLIST:

☐ OBTIAN FACILITY LAYOUT

☐ OBTAIN JUVENILE POLICIES & PROCEDURES